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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/630,402	08/02/2000	Gongpu Yan	006593-01874	8843
33375	7590	07/19/2004		
THOMPSON HINE LLP 2000 COURTHOUSE PLAZA N.E. 10 WEST SECOND STREET DAYTON, OH 45402-1758			EXAMINER GOODMAN, CHARLES	
			ART UNIT 3724	PAPER NUMBER 13

DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/630,402

Applicant(s)

YAN ET AL.

Examiner

Charles Goodman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-30 is/are pending in the application.
- 4a) Of the above claim(s) 1, 15 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-13, 16-19 and 21-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. The Amendment filed on February 21, 2003 has been entered.
2. The proposed drawing corrections filed on February 21, 2003 have been approved.
3. Due to the Supplemental IDS filed on May 27, 2003, as well as newly discovered prior art, the Finality of the last Office Action has been withdrawn.

### ***Election/Restrictions***

4. Claims 1, 15, 20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group and Species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 6.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-13, 16-19, and 21-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klingens et al (US 2,563,120) in view of Thomson (US 881,743) and Lyons (US 5,389,045).

Klingens et al discloses the invention substantially as claimed including a belt tensioning device having, inter alia, a threaded rod (61) and a spring (53). Note the first

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Office Action, Paper No. 6. However, Klingens et al's tensioning device lacks the spacer and the anchor component remaining fixed when the motor pivots. In that regard, Thomson teaches an alternative belt tensioning device comprising an anchor component (7); a threaded rod (near 27 in Fig. 1) operatively coupled to a motor (16 - a dynamo is analogous to a motor) pivotable at a pivot (10), the rod being located adjacent the anchor component through a hole (not designated by reference but see Fig. 2) in the anchor component; a nut (27) threaded onto the threaded rod; a spring (25) located adjacent the nut to exert a reactive force against the nut to pivot the motor; and wherein the anchor component remains fixed when the motor pivots. Figs. 1-2, p. 1, l. 90 - p. 2, l. 80. Thomson's teachings suggest a more secure arrangement for placement of the threaded rod via the fixed anchor member to thereby tension the belt in a biased manner, yet allowing for ease of disassembly. Thus, it would have been obvious to the ordinary artisan at the time of the instant invention to substitute the biasing device of Thomson for the free floating biasing means of Klingens et al in order to facilitate a more secure arrangement for adjusting the tension of the belt. Regarding the spacer, the modified device of Klingens et al lacks the spacer as claimed. However, Lyons teaches a belt tensioning device comprising, inter alia, a spacer (80 or 86) interacting with a nut (74) and an anchor component (64) which indicates the range of tension of the belt (106), and by inherency, limits the advancement of the nut, i.e. predefined limits of tensioning. Figs. 1-4, c. 2, ll. 4-10 and c. 3, l. 18 - c. 4, l. 13. Note also that Lyons teaches the claimed arrangement of the spacer, rod, and the spring in Fig. 4. Thus, it would have been obvious to the ordinary artisan at the time of the instant invention to

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provide the modified device of Klingens et al with the spacer as taught and suggested by Lyons in order to define the limits of advancement of the nut for tensioning.

### ***Conclusion***


7. Vanderstegen-Drake, Stegman, Sloyan, Schmitt, Krueger, Brock et al, Jarrett, and Ireland et al are cited as additional pertinent art.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Goodman whose telephone number is (703) 308-0501. The examiner can normally be reached on Monday-Thursday between 7:30 AM to 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap, can be reached on (703) 308-1082.

In lieu of mailing, it is encouraged that all formal responses be faxed to (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-1148.

  
**Charles Goodman**  
**Primary Examiner**  
**AU 3724**

cg   
June 8, 2004

**CHARLES GOODMAN**  
**PRIMARY EXAMINER**